

**Midcontinent Communications**

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Director, Information Security
8/23/2010**SUBPOENA AND REQUESTS FOR CUSTOMER INFORMATION**

Midcontinent requires, barring any exigent circumstances or threat to public safety, that a subpoena or court order be served upon it before disclosing any confidential information (generally call record or internet service information). Exigent circumstances include any emergency situation that requires swift action to prevent an imminent threat to life. Once served with a subpoena, court order, or other legal document, Midcontinent requires that the supervisor at hand immediately forward such legal documentation to Subpoena Compliance (605-357-5423).

Procedure for Customer Requests for Information

Any employee who receives a request by a customer for information should refer the request to their immediate supervisor. The supervisor must verify the identity of the customer making the request. This does not apply to customers requesting information about their own accounts, as long as the information requested is normally included on the regular billing statement, or is regarding a call originating from that customer's phone number.

The Supervisor should determine whether the information requested requires a subpoena before disclosure. If the request is for information that would normally appear on the billing statement, or is information regarding a call originating from that customer's phone number, the information can be disclosed to the customer upon proper identification. Disclosure of any other information requires a subpoena or court order.

Procedure for Subpoenas

1. Any employee presented with a subpoena must immediately contact their supervisor.
2. The supervisor must request identification from the requestor and obtain a driver's license, business card or other contact information.
3. The supervisor must request a copy of the subpoena. Agents are required to present a copy of the subpoena upon request.
4. The copy of the subpoena and any other contact information is to be faxed immediately to Subpoena Compliance (605.357.5423). Originals should be forwarded to Subpoena Compliance 410 South Phillips, Sioux Falls, SD 57104.
5. Subpoena Compliance must determine whether the subpoena or court order is facially valid and will ensure and coordinate prompt compliance. A subpoena is facially valid if it is issued by a court within the state of South Dakota, or a Federal District Court within District 8, and contains the following elements:



It is addressed to a proper Midcontinent entity

It contains the name of the court, agency, or other official body in which the proceeding is being held

The names of the parties are identified as plaintiff and defendant

It includes the docket and case number

It specifies the date, time, and place where the information is to be made available

It contains the name and telephone number of the attorney who requested that the subpoena be issued

It includes the signature or stamp and seal of approval of the empowering official

6. Any subpoena issued by a court outside of the state of South Dakota, or issued by a Federal court outside of District 8, shall be referred to legal counsel.

7. Any request for information from a Federal agency that does not include a facially valid court order shall be referred to legal counsel.

8. If the subpoena or court order is valid, Subpoena Compliance will determine if the information requested is retrievable.

9. If the requested information is retrievable, Subpoena Compliance will prepare and mail and/or fax one copy to the requesting party and will prepare two sets if Subpoena Compliance is required to appear in court or before a grand jury.

10. Subpoena Compliance will appear in court or before a grand jury as necessary.

11. Subpoena Compliance will determine whether the requesting party can be invoiced and determine the cost of the information retrieval and bill the requesting parties appropriately.

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